IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 2523 of 2004

Between:

Lakshmi Mayuri Theatre, Tadepalligudem,
West Godavari District, rep.by its Licensee: K.Tata Rao

..... PETITIONER

AND

The Joint Collector,
West Godavari District at Eluru.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the respondent herein in his Roc.C2/2456/2003, dt.9.1.2004 as illegal, null, void and arbitrary.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondent: GP FOR HOME

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The order, dated 09.01.2004, passed by the Joint Collector, West Godavari District, canceling the license of the petitioner-theatre is assailed in this Writ Petition.

2. The principal contention raised by the learned counsel for the petitioner is that the grounds mentioned in the cancellation order did not conform to the Section 10(1) of A.P. Cinemas (Regulation) Act, 1955, and therefore, the cancellation order is without jurisdiction.

3. While admitting the Writ Petition, interim stay was granted on condition the petitioner depositing a sum of Rs.1,00,000/- (Rupees One lakh only) before the authorities concerned. Now it is stated that the petitioner has already deposited the said amount and he undertakes to pay the balance amount of Entertainment Tax in six equal monthly instalments.

4. Taking into consideration, the undertaking given by the petitioner, the Writ Petition is disposed of directing the petitioner to pay the balance amount of Entertainment Tax on or before October, 2005 before the authorities concerned, failing which the cancellation order, dated 09.01.2004, shall come into force.

5. Accordingly, the Writ Petition is disposed of with the above direction. No costs.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 08.04.2005

ES

To

1. The Joint Collector,
West Godavari District at Eluru.

2. 2 CCs to the GP for Home, High Court of A.P., Hyderabad (OUT)

3. 2 CD copies